

## In Wake of Foiled Attacks, Castle Amendment Passes in House to Help Secure Vulnerable Rail Security Systems -- May 9, 2007

Washington D.C. -- In the wake of yesterday's arrests of six alleged terrorists who were planning to attack Fort Dix, Delaware Congressman Mike Castle's rail security amendment passed as part of the Homeland Security Department Authorization Act which would require the study of rail security techniques that have proven effective in other countries. The same amendment also passed as part of 'The Rail and Public Transportation Security Act of 2007' in March 2007. Castle's volunteer firefighter job protection bill also passed as an amendment to the bill, which would ease the ability of volunteer firefighters to ably respond to a "Presidentially-declared disaster." The protection offered in the legislation would be similar to job protections given to members of the National Guard who are called up for service.

"Yesterday, it was revealed that several individuals operating out of the Philadelphia area had plotted to attack key installations in the northeast, including Dover Air Force Base in Dover. While the tremendous work of our law enforcement community prevented these attacks from taking place, this case serves as a clear reminder that terrorists are intent on attacking us wherever we are vulnerable. One of our greatest vulnerabilities remains our mass transit systems, which move millions of people every year. In fact, terrorists are increasingly targeting rail and transit systems throughout the world - and the recent bombings in India, London, and Madrid are clear evidence of this dangerous trend. While the concept of "rail security" is relatively new here at home, security officials in Europe and Asia have decades of experience with terrorist attacks and I have long believed in the importance of leveraging this experience to improve our own system. My amendment will make certain that we are knowledgeable and consider all available options when it comes to ensuring the safety and security of our own rail system," Castle said on the floor of the House.

Rep. Castle's amendment would require the Homeland Secretary to study the cost and feasibility of implementing foreign rail security practices that are not currently used in the U.S. These recommendations come from a Government Accountability Office Report Castle commissioned a few years ago:

- (1) Implementing covert testing processes, such as testing security responses to suspicious packages and open emergency doors on a daily basis, to evaluate the effectiveness of rail system security personnel.
- (2) Implementing practices used by foreign rail operators that integrate security into infrastructure design.
- (3) Implementing random searches or screening of passengers and their baggage.
- (4) Establishing an information clearinghouse on security best practices used in the U.S. and abroad.

\*Additionally, a fact sheet on the Volunteer Firefighter and EMS Personnel Job Protection Act is attached.

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The Volunteer Firefighter and EMS Personnel Job Protection Act

The Problem:

- Currently, volunteer firefighters and emergency medical services personnel when asked to respond to a national emergency are not protected from termination or demotion by their employer should they miss work in the process (which volunteer firefighters feel is a disincentive to lend their time).
- Volunteer firefighters comprise nearly 75 percent of the nation's fire service and in the wake of Hurricane Katrina, their assistance in responding to national disasters has become all the more evident.
- 8 states currently have legislation protecting volunteer firefighters from job termination or demotion: PA, IL, NJ, MA, WV, OH, KY and WA.

#### The Solution: Volunteer Firefighter and EMS Personnel Job Protection Act

- Prohibits an employer from terminating, demoting or otherwise discriminating against an employee for time absent from their job due to their service as a volunteer emergency responder in response to a national emergency/disaster.
- Protects volunteers' paid jobs for up to 14 days a year while they carry out their duties as a volunteer emergency responder during national emergencies or major disasters.
- Employers are not obligated to pay the firefighters' salary while away and the employee is required to make a reasonable effort to notify their employer they will be absent or late.
- Legislation only protects missed time due to a Presidentially-declared disaster/emergency.
- The employer may request written verification from FEMA or state/local authorities that the employee responded to the emergency or major disaster with time and date certification.
- A person who has been terminated, demoted or discriminated against in terms and conditions of employment may file civil suit in district court.
- The employee may seek reinstatement, payment of back wages, reinstatement of fringe benefits, and reinstatement of seniority.
- The employee must commence such action within 1 year after the date of violation.
- The protection offered in this legislation would be similar to job protections given to members of the National Guard who are called up for service.

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